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PATENT  
ATTORNEY DOCKET NO.: 041465-5104

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b>In re Application of:</b> Naoaki HORIUCHI et al.	)	<b>Confirmation No.:</b> 8060
	)	
<b>Application No.:</b> 09/817,245	)	<b>Group Art Unit:</b> 2165
	)	
<b>Filed:</b> March 27, 2001	)	<b>Examiner:</b> Rimell, Samuel G.
	)	
<b>For:</b> AV INFORMATION PROCESSING UNIT	)	<b>Mail Stop Amendment</b>
AND INFORMATION RECORDING	)	
MEDIUM, IN WHICH AV INFORMATION	)	
PROCESSING PROGRAM IS RECORDED	)	
SO AS TO BE CAPABLE OF BEING READ	)	
BY COMPUTER	)	

Commissioner for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
**Customer Window, Mail Stop Amendment**  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Sir:

**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT**  
**TRANSMITTAL FORM**

1. Transmitted herewith is a Response to Notice of Non-Compliant Amendment dated January 12, 2005.
2. Additional papers enclosed:
  - ☐ Submission of Replacement Drawing Sheets
  - ☐ Submission of Revocation of Original Power of Attorney and Grant of New Power of Attorney
  - ☐ Change of Correspondence Address
  - ☐ Change of Attorney Docket Number
  - ☐ Information Disclosure Statement
  - ☐ Form PTO-1449, \_\_\_\_\_ references included
  - ☐ Citations
  - ☐ Declaration of Biological Deposit
  - ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☒ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time.

☐ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$ 225.00
<input type="checkbox"/> three months	\$ 1,020.00	\$ 510.00
<input type="checkbox"/> four months	\$ 1,590.00	\$ 795.00

Extension of time fee due with this request: \_\_\_\_\_

If an additional extension of time is required, please consider this a Petition therefor.

☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	20	minus	20	0	x \$50 each =	+ \$0.00
Independent Claims (37 C.F.R. §1.16(b))	2	minus	3	0	x \$200 each =	+ \$0.00
[ ] First presentation of Multiple dependent claim(s)					\$360.00	+ \$0.00
SUB-TOTAL =						\$0.00
Reduction by ½ for filing by a small entity						- \$0.00
TOTAL FEE =						\$0.00

6. Fee Payment

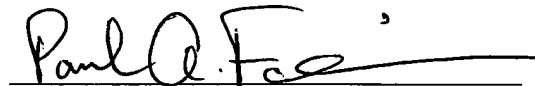
- ☒ No fee is to be paid at this time.
- ☐ The Commissioner is hereby authorized to charge \$\_\_\_\_\_ to Deposit Account No. 50-0310 for the one month extension of time fee.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated: January 24, 2005

By:



Paul A. Fournier

Reg. No. 41,023

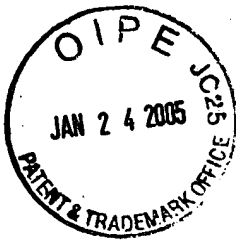
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**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT**

In response to the Notice of Non-Compliant Amendment dated January 12, 2005, the period for response to which extending through February 14, 2005 (February 12, 2005 being a Saturday), Applicants provide a complete listing of the pending claims with status identifiers as follows.